

APPENDIX W:

Documentation on the Importance of Water

KBIC Water-Related Activities

1. What does water mean to you as a tribal member?
2. In what ways do you interact with the water resources on the reservation and ceded territories? Please list any examples that come to mind, including spiritual and cultural activities. How often?
3. Are you aware of other water-related activities that are unique to Tribal members on our reservation? (yes / no). If so, would you like to mention them?

KBIC Tribal Number _____ Date _____

KBIC Tribal Council has adopted a resolution stating their objection to sulfide mining

1. a) Do you practice treaty rights, such as hunting fishing and gathering in the ceded territories?

b) Do you engage in any other activities in the ceded territories?

2. Are there any areas within the Silver River Watershed and Yellow Dog Plains that are special or unique to you as a tribal member? Why?

3. Are you aware of the proposed sulfide mining within the Silver River Watershed and the ceded territories?

4. What is your position on mining on the reservation?

5. What is your position on mining within the ceded territories?

KBIC Tribal Number _____ Date _____

KEWEENAW BAY INDIAN COMMUNITY

2006 TRIBAL COUNCIL

SUSAN J. LAVERNIER, President
WARRIN C. SWARTZ, JR., Vice-President
LARRY J. DENOMIE III, Secretary
DORFEN G. BLAKER, Asst. Secretary
TONI L. MINTON, Treasurer

Keweenaw Bay Tribal Center
107 Beartown Road
Baraga, Michigan 49908
Phone (906) 353-6623
Fax (906) 353-7540

Friday, April 07, 2006

FRED DAKOTA
WILLIAM E. EMERY
MICHAEL E. LAVERNIER, SR.
GARY E. LOONSFOT, SR.
ELIZABETH "CHIZ" MATTHEWS
ELIZABETH D. MAYO
SHAWANUNG

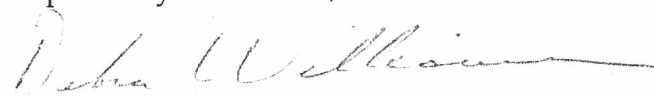
Micah Petoskey
Water Resources Specialist
Keweenaw Bay Indian Community
Natural Resources Department
HCR01 Box 120 Pequaming Rd.
L'Anse, MI 49946

RE: Nibi (Water) Testimonial

Dear Micah Petoskey,

Water is the life blood of our Mother Earth. The earth's water system is our mother's blood supply. Her lakes, streams, rivers move through the earth to both nourish her and cleanse her. All of life - we are her children which she feeds and sustains. It is our responsibility to watch over our mother as Anishinabeg people. We must preserve and protect her for generations to come. Mother Earth's energy provides a source of life and sustenance. Strength from the earth is the translation for medicine - mashkiki. Mother Earth gives us her medicine, her strength. If she is sick or weak we will become sick and weak people. For the strength of the Anishinabeg we must protect Mother Earth. This is how it is and always will be as recognized in our treaty with the United States. We Anishinabeg live in respect of Mother Earth and her strength we have not forgotten her life giving forces. We honor the Earth our Mother in our ceremonies through our offerings, through our drum songs and in our tobacco offering's when we gather or utilize her resources. Watching over and protecting Mother Earth is our responsibility and our right which has and always will be preserved by Anishinabeg and our Indian tribe.

Respectfully submitted,


Debra Williamson, TERO/EEO Director
Ogima Benasiikwe (Lead Thunderbird Woman)
3rd Degree Midewikwe (Medicine Woman)

In the fall of 2004 the Keweenaw Bay Indian Community Natural Resources Department conducted a survey on the importance of water to the Ojibwa peoples. They were asked what water means to them, what ways they interact with water and examples of such, and whether or not they practice their treaty rights within the ceded territory. The following is a summary of the answers we received.

When asked what water means to them most tribal members responded that water is first and foremost the lifeblood of the earth and all its inhabitants. We also were informed that women are the keepers of the water, that they pray and sing to the water and it becomes medicine.

The participants were then asked how they interact with the water. While many used the water for recreational purposes such as swimming, boating, and hiking many expressed that they used it in ceremonies. The Breaking of the Water ceremony is held each spring to welcome the spring season and to thank the Creator for cleansing the water. It also fulfills basic needs such as bathing, cooking, and drinking. Beyond these things the tribal members surveyed spoke about hunting and fishing in and around the waters. Harvesting wild rice was also expressed as being a very important use of the water in and around the reservation.

To follow up on the surveys that were done the KBNRD Water Quality Department came up with some other areas of concern for the waterways and waterbodies in and around the reservation.

The Villages of L'Anse and Baraga and KBIC each own and operate an individual public water supply system. All three of these systems obtain and treat water from Keweenaw Bay of Lake Superior.

In addition, surface water is also an important economic, recreational and ecological resource. Subsistence, commercial and recreational fishing, recreational boating, and swimming are significant human activities dependent on surface waters in the area. There are also several waterfront camping locations in the area, including Baraga State Park, the Ojibwa Campgrounds and L'Anse Township Park. Area lakes, wetlands, streams and rivers also serve as critical nursery habitat for a number of fish, waterfowl and wildlife species in the region, including trumpeter swans re-introduced by KBIC, brown and white pelicans, bald and golden eagles. The head of Keweenaw Bay is considered to be a critical migratory bird sanctuary and water fowl habitat.

For several years, KBIC has been increasing its wild rice production, including seeking funding and identifying and developing sites. KBIC maintains several wild rice lakes/impoundments both inland and on Keweenaw Bay.

The Ojibwa people give special respect to nibi, water, because it is honored as the most important life-giver. Special ceremonies honor water at certain times of the year, like in the early spring when the ice first breaks, but the Ojibwe teach that we should honor nibi all through the year. They think of Earth as their Mother, and water is like the Earth's lifeblood. It must be kept clean and pure for the Earth and all things that live on Her to be healthy.

As neighbors in a watershed, we must all do our part to keep the water that runs through our watershed clean and pure. As good neighbors, we should not waste water. We want enough clean water for all living things.

**Intergovernmental Accord
between
the Federally Recognized Indian Tribes in Michigan
and
the Governor of the State of Michigan
Concerning Protection of Shared Water Resources**

**Entered into on May 12, 2004
Lansing, Michigan**

Whereas the federally recognized Indian Tribes in Michigan and the Governor of the state of Michigan each recognize the essential role of the Great Lakes and of Michigan's inland lakes, rivers, streams, and groundwater (hereinafter termed "water resources") in their past, their present, and their shared destiny;

Whereas the Tribes historically resided in the Great Lakes Region in harmony with the natural environment since well before the arrival of Europeans and have depended upon the water resources of the Great Lakes Region for food, water, and transportation for hundreds of years;

Whereas the Great Lakes and Michigan's inland lakes, rivers, streams, and groundwater remain the cornerstone of the culture and the physical and spiritual well-being of the Tribes and preserving the environmental quality and quantity of those water resources for the present and for the next seven generations is absolutely essential to the Tribes;

Whereas the Great Lakes and inland waters are the state of Michigan's most vital resources and figuratively and literally define the state; the citizens of the state rely on these water resources for their subsistence, health, recreation, and for their aesthetic value; and those water resources also underpin Michigan's economy due to their importance for tourism, agriculture, industry, and transportation;

Whereas the future well-being of all of the residents of the state of Michigan depends on the preservation and enhancement of the quality and quantity of its water resources;

Whereas Michigan's water resources are subject to degradation from numerous sources including toxic substances such as pesticides, mercury and other heavy metals from a variety of agricultural, industrial and municipal sources; and the introduction of exotic species such as lamprey and zebra mussels strain the Great Lakes ecosystem;

Whereas the very presence of the water is imminently threatened by the desire of governments and private companies to divert or export Great Lakes waters outside the Great Lakes basin;

Whereas many activities such as dredging, wetland development, and inadequate wastewater treatment strain the natural recuperative powers of the water resources to maintain diverse ecosystems which depend on water quality and quantity for their very existence;

Whereas past, present and future utilization of water resources by governmental units and private individuals and entities is subject to oversight and regulation under a complex framework of federal, state and tribal law;

Whereas the grandeur and beauty of the Great Lakes create a facade of endless abundance but the Great Lakes and inland waters are in reality delicate and finite;

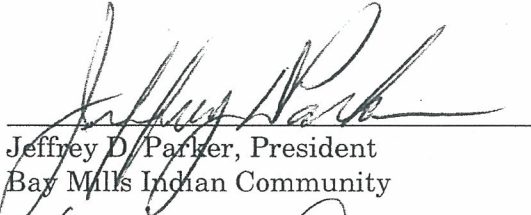
Whereas protection of these magnificent resources for the present and future generations requires the constant commitment, vigilance, and cooperation of all governments that have jurisdiction over them;


Whereas the undersigned parties wish to enhance and strengthen the government-to-government relationship among the Tribes and between the Tribes and the state of Michigan;

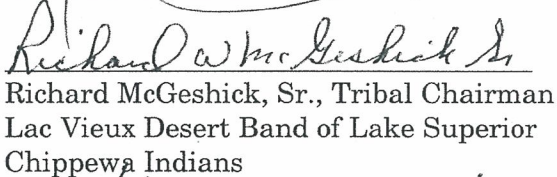
NOW, THEREFORE, the Governor and the undersigned Tribes affirm their joint commitment to the preservation, restoration and enhancement of the Great Lakes ecosystem and pledge to work together to clean-up the pollutants now present, eliminate exotic species, maintain and preserve diverse water resource habitats, and prevent future contaminants, exotics and depletion of these waters. They further commit to sending representatives to meet at least twice a year to review the quantity and quality of our water resources and to develop strategies for protecting those resources including recommendations for state, federal and tribal legislation, and international treaties, coordination of permitting activities, and cooperation on enforcement of water protection laws.

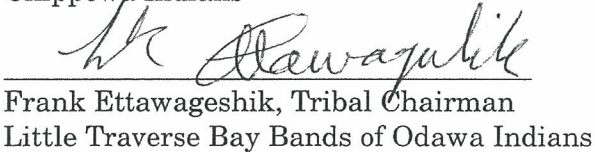
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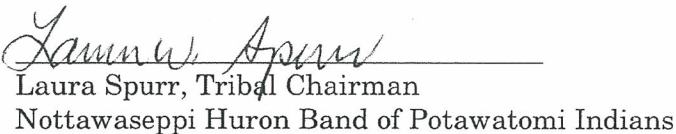
**Entered into on May 12, 2004
Lansing, Michigan**

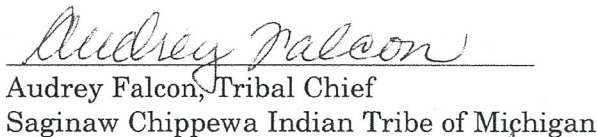

Jeffrey D. Parker, President
Bay Mills Indian Community

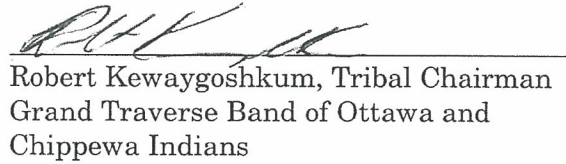

Kenneth Meshigaud, Chairperson
Hannahville Indian Community

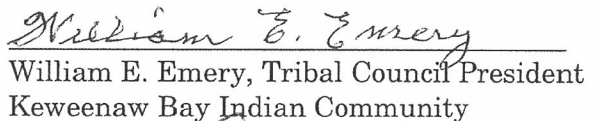

Richard McGeshick, Sr., Tribal Chairman
Lac Vieux Desert Band of Lake Superior
Chippewa Indians

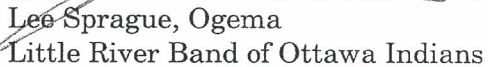

Frank Ettawageshik, Tribal Chairman
Little Traverse Bay Bands of Odawa Indians

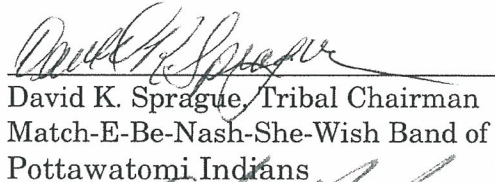

Laura Spurr, Tribal Chairman
Nottawaseppi Huron Band of Potawatomi Indians



Audrey Falcon, Tribal Chief
Saginaw Chippewa Indian Tribe of Michigan

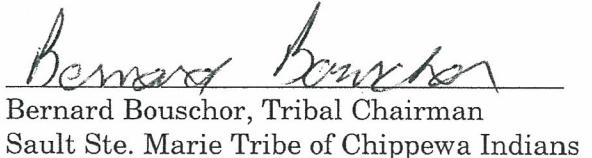

Robert Kewaygoshkum, Tribal Chairman
Grand Traverse Band of Ottawa and
Chippewa Indians


William E. Emery, Tribal Council President
Keweenaw Bay Indian Community


Lee Sprague, Ogema
Little River Band of Ottawa Indians


David K. Sprague, Tribal Chairman
Match-E-Be-Nash-She-Wish Band of
Pottawatomi Indians


John Miller, Tribal Chairman
Pokagon Band of Potawatomi Indians


Bernard Bouschor, Tribal Chairman
Sault Ste. Marie Tribe of Chippewa Indians


Jennifer M. Granholm, Governor
State of Michigan

APPENDIX A

Tribal and First Nations Great Lakes Water Accord

November 23, 2004, Page 1

Our ancestors have inhabited the Great Lakes Basin since time immemorial, long before the current political boundaries were drawn. Our spiritual and cultural connections to our Mother Earth are manifest by our willingness to embrace the responsibility of protecting and preserving the land and Waters.

Traditional teachings and modern science combine to strengthen our historical understanding that Water is the life-blood of our Mother Earth.

Indigenous women continue their role as protectors of the Water. Ceremonial teachings are reminders of our heritage, they are practices of our current peoples, and they are treasured gifts that we hand to our children.

When considering matters of great importance we are taught to think beyond the current generation. We also are taught that each of us is someone's seventh generation. We must continually ask ourselves what we are leaving for a future seventh generation.

We understand that the whole earth is an interconnected ecosystem. The health of any one part affects the health and well being of the whole. It is our spiritual and cultural responsibility to protect our local lands and Waters in order to help protect the whole of Mother Earth.

Tribes and First Nations have observed with growing interest that the Great Lakes Basin governments of the United States and Canada have begun to share our concerns about the preservation of the quality and quantity of the Great Lakes Waters.

The eight States and two Provinces of the Great Lakes Basin entered into the 1985 Great Lakes Charter, Annex 2001, and have drafted an Interstate Compact and International Agreement to implement the provisions of Annex 2001. These agreements, however, make no provisions for including Tribes and First Nations as governments with rights and responsibilities regarding Great Lakes Waters. These agreements also assert that only the States and Provinces have governmental responsibility within the Great Lakes Basin.

Tribal and First Nations Great Lakes Water Accord

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Through International treaties and court actions, however, Tribes and First Nations continue to exercise cultural and spiritual rights of self-determination and property rights within traditional territories for our peoples and nations. Tribal and First Nation governments, like all governments, have the duty to protect the interests and future rights of our peoples. Since we have recognized rights and we are not political subdivisions of the States or Provinces, the assertion that the States and Provinces own and have the sole responsibility to protect the Waters is flawed.

Thus, the efforts of the States and Provinces to protect the Waters of the Great Lakes Basin are flawed because these efforts do not include the direct participation of the governments of Tribes and First Nations. This fundamental flaw endangers the interests of all of the inhabitants of the Great Lakes Basin and, ultimately, because of the interconnectedness of the worldwide ecosystem, endangers the interests of the entire earth.

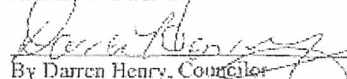
It is thus our right, our responsibility and our duty to insist that no plan to protect and preserve the Great Lakes Waters moves forward without the equal highest-level participation of Tribal and First Nation governments with the governments of the United States and Canada. Merely consulting with Tribes and First Nations is not adequate, full participation must be achieved.

By this accord signed on November 23, 2004, at Sault Ste. Marie, Michigan, the Tribes and First Nations of the Great Lakes Basin do hereby demand that our rights and sovereignty be respected, that any governmental effort to protect and preserve the Waters of the Great Lakes Basin include full participation by Tribes and First Nations, and we also hereby pledge that we share the interests and concerns about the future of the Great Lakes Waters, further pledging to work together with each other and with the other governments in the Great Lakes Basin to secure a healthy future for the Great Lakes.

Tribal and First Nations Great Lakes Water Accord

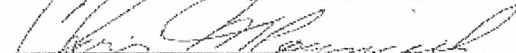
November 23, 2004, Page 3

AAMJWNAANG



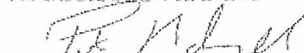
By Darren Henry, Councilor

ASSOCIATION OF IROQUOIS AND ALLIED NATIONS



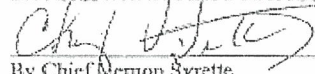
By Chief Chris McCormack

AUDECK OMNI KANING



By Peter Nahwegahbow

BATCHEWANA FIRST NATION



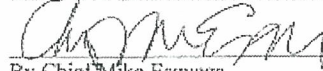
By Chief Vernon Syrette

BEAUSOLEIL FIRST NATION



By Rod Monague, Councilor

BIJITWAABIK ZAAING ANISHINAABEK



By Chief Mike Esquega

CHIEFS OF ONTARIO

By Regional Chief Charles Fox

CHIPPEWAS OF NAWASH UNCEDED FIRST NATION



By Geewadin Elliott

Tribal and First Nations Great Lakes Water Accord

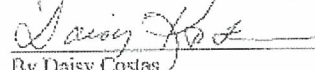
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DELAWARE (MORAVIAN) NATION



By Denise Stonclish

FIRST NATION OF CREES QUEBEC



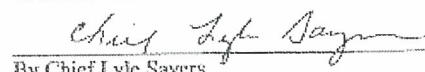
By Daisy Costas

FOND DU LAC



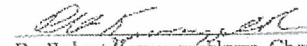
By Eugene Reynolds

GARDEN RIVER FIRST NATION



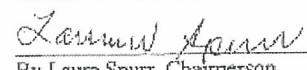
By Chief Lyle Sayers

GRAND TRAVERSE BAY BAND OF OTTAWA AND CHIPPEWA INDIANS



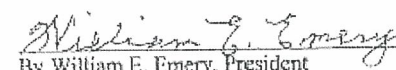
By Robert Kewaygoshikum, Chairperson

HURON POTAWATOMI, INC.



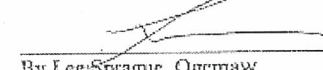
By Laura Spurr, Chairperson

KEWEENAW BAY INDIAN COMMUNITY



By William E. Emery, President

LITTLE RIVER BAND OF OTTAWA INDIANS



By Lee Sprague, Ojibaw

Tribal and First Nations Great Lakes Water Accord

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LITTLE TRAVERSE BAY BANDS OF ODAWA INDIANS

Frank Ettawageshik
By Frank Ettawageshik, Chairman

MAGNETAWAN FIRST NATION

Wilmer Neganosh
By Chief Wilmer Neganosh

MATAWA FIRST NATION

Noah Oshag
By Noah Oshag, First Nation Delegate

M'CHIGEENG FIRST NATION

Glen Hare
By Chief Glen Hare

MISSISSAUGA FIRST NATION

Bryan LaForm
By Chief Bryan LaForm

MOHAWKS OF BAY OF QUINTE

Donald Maracle, Hwasersio Wasip Clan
By Chief R. Donald Maracle

MOHAWKS OF AKWENSASNE

A. Francis Boots
By Chief A. Francis Boots

NISHNAWBE ASKI NATION

Dan Kooses
By Deputy Grand Chief Dan Kooses

Tribal and First Nations Great Lakes Water Accord

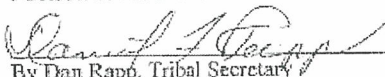
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ONEIDA NATION OF THE THAMES

 Bi-ne 'kwe


By Chief Randall Phillips

POKAGON BAND OF POTAWATOMI INDIANS



By Dan Rapp, Tribal Secretary

SAGAMOK ANISHINAWBEK



By Chief Angus Toulouse

SAGINAW CHIPPEWA INDIAN TRIBE OF MICHIGAN



By Chief Audrey Falcon

SAUGEEN FIRST NATION



By Chief Vernon Roate

SAULT STE MARIE TRIBE OF CHIPPEWA INDIANS

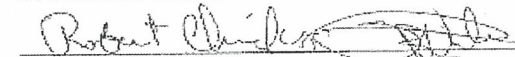


By Aaron Payment, Chairperson

SOKAOGAN CHIPPEWA

By Tina Van Zile, Tribal Delegate

STOCKBRIDGE MUNSEE




Robert Chicks, Chairperson


Tribal and First Nations Great Lakes Water Accord

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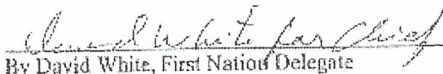
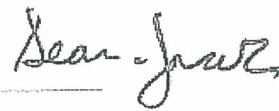
THESSALON FIRST NATION


Chief James Wabigwan

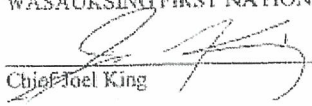
UNION OF ONTARIO INDIANS


By Grand Council Chief John Beaucage

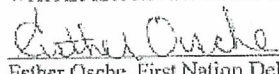
WALPOLE ISLAND FIRST NATION


By David White, First Nation Delegate

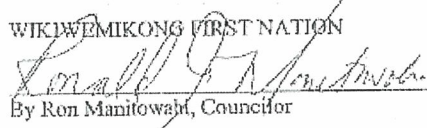
WASAUKSING FIRST NATION


Chief Joel King


WHITEFISH RIVER FIRST NATION


Esther Osche, First Nation Delegate

WIKIWEMIKONG FIRST NATION


By Ron Manitowah, Councilor

ZHIIBAAHAASING FIRST NATION

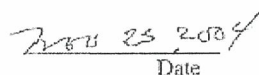

Chief Irene Kells

Tribal and First Nations Great Lakes Water Accord

By the accord presented on November 23, 2004, at Sault Saint Marie, Michigan, the Tribes and First Nations of the Great Lakes Basin do hereby demand that our rights and sovereignty be respected, that any governmental effort to protect and preserve the Waters of the Great Lakes Basin include full participation by Tribes and First Nations, and we also hereby pledge that we share the interests and concerns about the future of the Great Lakes Waters, further pledging to work together with each other and with the other governments in the Great Lakes Basin to secure a healthy future for the Great Lakes.

WHITEFISH LAKE FIRST NATION


By Ogema Art Petahlegoose


Date

KEWEENAW BAY INDIAN COMMUNITY

2004 TRIBAL COUNCIL

WILLIAM E. EMERY, President
SUSAN J. LAFERNIER, Vice-President
LARRY J. DENOMIE III, Secretary
WARREN C. SWARTZ, JR., Asst. Secretary
JENNIFER MISEGAN, Treasurer

Keweenaw Bay Tribal Center
107 Beartown Road
Baraga, Michigan 49908
Phone (906) 353-6623
Fax (906) 353-7540

DOREEN G. BLAKER
FRED DAKOTA
MICHAEL F. LAFERNIER, SR.
GARY F. LOONSFOOT, SR.
ELIZABETH D. MAYO
ANN MISEGAN
SHAWANUNG

RESOLUTION KB-1301-2004

WHEREAS, the Keweenaw Bay Indian Community is the political successor in interest to the signatories of the 1842 Treaty with the Chippewa, 7 Stat. 591, and the signatories of the 1854 Treaty with the Chippewa, 10 Stat. 1109, from the L'Anse and Ontonagon bands of the Lake Superior Chippewa Indians; and

WHEREAS, the Keweenaw Bay Indian Community is organized pursuant to the provisions of the Indian Reorganization Act of 1934, 48 Stat. 984, 25 U.S.C. §476, and has a Constitution and Bylaws duly approved by the Secretary of the United States Department of the Interior on December 17, 1936; and

WHEREAS, the Keweenaw Bay Indian Community exercises inherent sovereign authority over its members and its territories, on its reservation; and

WHEREAS, Article VI, Section 1(a) of the Keweenaw Bay Indian Community Constitution imposes a duty on the Tribal Council to protect the health, security and general welfare of the Community; and

WHEREAS, the Kennecott Exploration Company (Kennecott) has made its intention to mine for base and other precious metals in the headwaters of the Yellow Dog River and Salmon Trout River known to the Community; and

WHEREAS, the ores sought by Kennecott have been identified by Kennecott and other organizations as containing high levels of sulfide minerals, the mining of which can produce acid mine drainage that can be lethal to the environment to which it is exposed; and

WHEREAS, Kennecott has indicated by its actions that it may engage in these mining operations within the boundaries of the L'Anse Reservation and has in fact already engaged in exploratory drilling on the Reservation; and

WHEREAS, the method of mining currently proposed by Kennecott, deeply offends the traditional and cultural values of the Keweenaw Bay Indian Community; and

WHEREAS, the Tribe recognizes that any temporary gains produced by the proposed activities

of Kennebecott are far outweighed by the potential for enduring and severe damage to the area in and around its territory; and

WHEREAS, Kennebecott has shown no satisfactory evidence that it can undertake this activity without polluting ground or surface water; and

WHEREAS, Kennebecott has made no showing that, after it undertakes such activities, it can protect the ground and surface waters from acid drainage; and

NOW THEREFORE BE IT RESOLVED that the Keweenaw Bay Indian Community, through its Tribal Council, hereby prohibits the aforementioned mining activities within the boundaries of the L'Anse Reservation and all activities related thereto unless and until substantial evidence can be produced to satisfy its concerns.

CERTIFICATION

We, William E. Emery, President, and Larry J. Denomie III, Secretary of the Keweenaw Bay Tribal Council, do hereby certify that this Resolution numbered KB-1301-2004 to be a true and exact copy as approved by the Tribal Council of the Keweenaw Bay Indian Community at a duly called meeting held on July 17, 2004 there being a quorum present, by a vote of 10 In Favor, 0 Opposed, and 0 Abstentions, as follows:

Vice President Susan J. LaFerner:	<u>AYE</u>	NAY	ABSTAIN	NOT PRESENT
Secretary Larry J. Denomie III:	<u>AYE</u>	NAY	ABSTAIN	NOT PRESENT
Asst. Secretary Warren C. Swartz, Jr.:	<u>AYE</u>	NAY	ABSTAIN	NOT PRESENT
Treasurer Jennifer Misegan:	<u>AYE</u>	NAY	ABSTAIN	NOT PRESENT
Councilperson Doreen G. Blaker:	<u>AYE</u>	NAY	ABSTAIN	NOT PRESENT
Councilperson Fred Dakota:	<u>AYE</u>	NAY	ABSTAIN	<u>NOT PRESENT</u>
Councilperson Michael F. LaFerner, Sr.:	<u>AYE</u>	NAY	ABSTAIN	NOT PRESENT
Councilperson Gary F. Loonsfoot, Sr.:	<u>AYE</u>	NAY	ABSTAIN	NOT PRESENT
Councilperson Elizabeth D. Mayo:	<u>AYE</u>	NAY	ABSTAIN	NOT PRESENT
Councilperson Ann Misegan:	<u>AYE</u>	NAY	ABSTAIN	NOT PRESENT
Councilperson Shawanung:	<u>AYE</u>	NAY	ABSTAIN	NOT PRESENT

President William E. Emery:

AYE NAY NOT APPLICABLE NOT PRESENT

William E. Emery
William E. Emery, President

Larry J. Denomie III
Larry J. Denomie III, Secretary

Environmental Program Development & Implementation Agreement

**Keweenaw Bay Indian Community and
U.S. Environmental Protection Agency Region 5**



2010-2012

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**ENVIRONMENTAL PROGRAM DEVELOPMENT
AND IMPLEMENTATION AGREEMENT**


**KEWEENAW BAY INDIAN COMMUNITY AND U.S. EPA REGION 5
2010-2012**

The United States Environmental Protection Agency Region 5 and the Tribal Government of the Keweenaw Bay Indian Community agree to work together in a government-to-government partnership on the activities identified within this Agreement.

Authorizing Signatures


Warren Swartz, Tribal President
Keweenaw Bay Indian Community

7 May 2010
Date


Susan Hedman, Regional Administrator
U.S. Environmental Protection Agency Region 5

24 June 2010
Date

This Agreement between Region 5 and the Keweenaw Bay Indian Community is for planning purposes only. The document is designed to implement EPA's Indian Policy for working with federally recognized Tribal Governments on a government-to-government basis. The document does not, however, substitute for requirements in federal statutes or regulations, nor is it a requirement itself. This document is not intended to create any right or trust responsibility enforceable in any cause of action by any party against the United States, its agencies, offices or any other person. Thus, it cannot impose legally binding requirements on EPA, and may not apply to a particular situation based upon the circumstances.

Environmental Program Development & Implementation Agreement Keweenaw Bay Indian Community and U.S. EPA Region 5 2010-2012

Introduction Statement: Purpose, Description, & Use

This document is an Agreement for environmental protection on the Keweenaw Bay Indian Community (KBIC) Reservation. While EPA recognizes KBIC as the primary environmental manager on the Reservation, the Agency retains certain responsibilities for implementing federal environmental authorities. This document will identify the following for the next three years: KBIC environmental program priorities, specific activities related to implementing federal environmental requirements on the Reservation, roles and responsibilities of each party, and Agency support for Tribal program development and implementation activities. This Agreement can be used by each party to forecast work loads for each year, define resource needs, and identify opportunities for partnerships with other federal agencies. EPA and the Tribe will revise this Agreement every three years, or modify as appropriate by mutual agreement.

Section 1: Tribal Background

KBIC is a signatory to the Treaty of 1842 and the Treaty of 1854. The Treaty of 1854 established Reservation land bases which include the L'Anse and Ontonagon Indian Reservations. The primary land base is the L'Anse Indian Reservation, located in the western Upper Peninsula of Michigan along the shores of the Keweenaw Bay of Lake Superior. The L'Anse Indian Reservation consists of approximately 75,000 acres, 54,000 of which are land, and 21,000 of which is Lake Superior. There are approximately 19 miles of Lake Superior shoreline, 3,000 acres of wetlands, and 80 miles of rivers within five watersheds that are either wholly or partially within the L'Anse Reservation boundaries. The Village of Baraga and community of Zeba both lie entirely within the Reservation boundaries, while the Village of L'Anse lies partially within the Reservation. The Ontonagon Indian Reservation is located in Ontonagon County along the Lake Superior shoreline, is approximately 3,000 acres in size, has about 2 miles of Lake Superior shoreline, and includes three watersheds partially within Reservation boundaries. KBIC also administers approximately 200 acres of land holdings and housing in Marquette County. The L'Anse Indian Reservation and the Ontonagon Reservation exterior boundaries are formally recognized by the Bureau of Indian Affairs (BIA).

The KBIC constitution and bylaws were approved on December 17, 1936 and a corporate charter was ratified on July 17, 1937, pursuant to the 1934 Indian Reorganization Act. The legislative body consists of a 12-member Tribal Council with six elected representatives from two voting districts. There are approximately 3,340 enrolled Tribal members, with approximately 960 residing within the L'Anse Reservation boundaries, or in Baraga County. Approximately 35% of land holdings are owned by KBIC, with the remaining 65% owned by individual Tribal and non-Tribal members, local governments, or area businesses.

Ceded territories covering the western Upper Peninsula of Michigan and northern portions of Wisconsin and Minnesota were defined by the Treaties of 1842 and 1854. KBIC retains hunting, fishing, gathering, and other usufructory rights within these ceded territories, and tribal members

and government staff exercise these rights for subsistence, spiritual, cultural, management, and recreational purposes.

KBIC has an established Natural Resources Department (NRD) which includes natural resource, fisheries, wildlife, and environmental programs under the direction of the Natural Resources Director, who in turn takes direction from the Chief Executive Officer and the Tribal Council. The NRD environmental program is staffed by an Environmental Specialist, a Water Resources Specialist, a Water Resources Technician, an Environmental Response Program Specialist, and a Brownfields Assessment Coordinator. Funding for the Natural Resource Department is provided by KBIC, EPA, U.S. Department of Agriculture, Indian Health Service (IHS), Department of Health and Human Services, Bureau of Indian Affairs, and other sources.

The Tribe has a Strategic Plan which is based on community values, identified during an intensive tribal community planning process, that include strong families, sovereignty, tradition/culture, employment/business, health care/good health, education, environment, youth, elders, safety, and government/leadership. Copies are available upon request. Within the Environment Section, the vision for the Keweenaw Bay Indian Community is:

- The waters of Lake Superior, inland lakes and streams are the cleanest in the world
- The Reservation is clean and free of blight and litter
- People from all walks of life come and enjoy the beauty of our Reservation
- The Reservation has a land use plan to assist in development
- Manage our forests for sustainability and profit
- Honor our traditions and culture through the preservation of our homelands

Eight goal statements are provided for in the Environment Section of the Strategic Plan with associated benchmarks and measures to assist the community with meeting the above vision statements. Goals are provided for protection, preservation, mitigation, and enhancement of the natural resources and environment of KBIC through programs, management planning, baseline data collection, ordinance development, forestry program development, alternative energy development and use, water and sewer infrastructure, and active participation and partnerships.

In 2003, an Integrated Resource Management Plan (IRMP) was adopted by the Tribal Council and subsequently approved by the Bureau of Indian Affairs. This IRMP includes goals and benchmarks for the highest priority resources as identified by the Tribal membership. We will continue to use this IRMP as a guidance document for our priorities and activities. The vision of the IRMP is "To live in harmony while enhancing and sustaining the resources of the Keweenaw Bay Indian Community for the Seventh Generation." The IRMP contains an Environment section that includes the following elements:

- Biological control chemicals management
- Air quality management
- Hazardous waste management
- Storage tanks management
- Solid waste management

The IRMP also includes goals and objectives for the following resources or elements:

- Cultural resource management
- Fisheries resource management
- Wild rice and native plants management
- Wildlife management
- Wetlands management
- Forestry and fire management
- Enforcement management
- Recreation management
- Economic development management
- Soils management
- Water quality
- Roads/transportation management
- Land acquisition and use, and GIS
- Partnerships and education

Section 2: Keweenaw Bay Indian Community Environmental Program Priorities

KBIC has identified a number of environmental concerns and/or priorities for the community. These priorities guide the initiation of projects as well as ongoing work and future development of programs. Environmental concerns and priorities include:

1. Providing safe drinking water to tribal members – KBIC would like to expand its existing community water systems to serve more members on the Reservation. Some members are using private residential wells that are poorly constructed and susceptible to contamination from septic systems and surrounding land uses. Some groundwater on-Reservation is of marginal quality.

EPA Role: The Water Division recommends that KBIC include this need on the IHS Sanitation Deficiency System Priority List. Water Division can assist as needed.

2. Protection of hydrological systems on the Reservation – The Reservation land bases contain an interconnected network of rivers and streams, lakes, and wetlands. All hydrologic systems eventually discharge to Lake Superior. The health and welfare of the community and community resources is dependent upon clean water, both on-Reservation and in Lake Superior. Ongoing or potential threats to water quality include residential, industrial, and commercial development, existing commercial and industrial operations, improper solid waste and hazardous waste disposal and open dumping sites, storm water discharge, wetland filling or dredging, logging and silviculture, agriculture, individual well and septic systems, contaminated properties and Brownfield sites, and transportation industries and corridors. In addition, mineral exploration companies have identified potential mining prospects on the L'Anse Reservation that consist of metallic sulfide ore deposits. Potential mining development and associated acid-mine drainage and release of heavy metals and other contaminants to the environment are a very significant threat to Reservation hydrologic systems, treaty rights, and the health and welfare of the community. Baseline water quality

monitoring has been ongoing since 1996. A program eligibility application for water quality standards is nearing completion.

EPA Role: As appropriate, Water Division will review National Pollutant Discharge Elimination System permits for mining activities that may impact Tribal waters. In addition, Water Division will continue to support the Tribe during the CWA Section 303 program eligibility approval process, and subsequent WQS development and formal submittal. The Great Lakes National Program Office (GLNPO) encourages KBIC to discuss the Tribe's priorities under this subject, as they relate to the Great Lakes Restoration Initiative (GLRI). There may be funding opportunities to pursue and partnerships to join for increased efficiency. For more information, go to <http://greatlakesrestoration.us/>.

3. Identify and address contaminated or potentially contaminated properties (including open dumps) that are present on lands under the jurisdiction of KBIC – Reservation lands have historically experienced industrial and commercial development activities including logging, scrap yards, railroading, agriculture, industrial, and other similar activity. Off-Reservation mining and ore processing has impacted on-Reservation resources and lands. Currently two industrial parks are located entirely within the Reservation boundaries and one industrial park is partially within Reservation boundaries. These industrial parks currently or at one time did host businesses including scrap recyclers, cement plants, fiberglass manufacturers, auto repair and body shops, construction companies, industrial assembly corporations, and wood processing plants.

Active and abandoned petroleum facilities are also present within the Reservation. These include gasoline/diesel service stations and fuel oil storage facilities. Unused and abandoned underground storage tanks (USTs) have been found on-Reservation which may present risks to the environment, community resources, and Tribal membership. These USTs need to be located and assessed for the potential presence of surface and/or subsurface contamination.

An additional problem within the Reservation is open dumping of refuse. We have established a goal of cleaning up and closing existing open dumps on the Reservation. Open dump sites are included in the Brownfields database, and an open dump inventory is being developed for future management and mitigation of these sites. These open dumpsites are unenclosed and accessible to the general public and often contain hazardous materials such as household hazardous wastes, lead-acid batteries, waste oils and other used petroleum and automotive fluid products, rusted metal, broken glass, household cleaning and maintenance solvents, paints, and various other materials potentially hazardous to human health or the environment. The impact of these properties on the community's natural resources and health is largely unknown. The Sand Point Brownfield site requires additional mitigation and we are interested in redevelopment of the property.

EPA Role: The problems described above can largely be addressed under the Tribe's developing Site Response Program, which Superfund Division supports through annual CERCLA Section 128(a) funding. EPA also makes available to Tribes at no cost, technical assistance for site document review or preparation, environmental contractor evaluation, and site assessment planning, among other things, through a grant to Kansas State University. In addition, Superfund Division will continue to provide direct training pertinent to site

assessment and remediation and will provide frequent notices to the Tribe about relevant training offered by others. Costs for the training can be charged to the Section 128(a) grant.

As referenced below under "Resource Conservation and Recovery" section, Land and Chemicals Division (LCD) will consult with the Tribe and conduct enforcement investigations to determine the appropriateness of enforcement action to address specific incidents of illegal dumping on the Reservation. LCD will work with KBIC to update the IHS wSTARS database with the Tribe's open dump inventory information. Upon request and as resources allow, LCD will work with the Tribe to assess open dumps. In addition, LCD will work with the Tribe to review the status of the leaking underground storage tanks located within the Reservation boundaries, identify the LUST inventory, identify any Tribal-specific concerns, gather information on the status of responsible parties, and discuss prioritizing eligible sites for assessment and/or remediation.

4. Provide a solid waste management program that allows for the effective collection, transport, disposal, and diversion of our solid waste and hazardous waste streams – The Tribe would like to improve management of solid waste on the Reservation. Historically there has been a lack of solid waste service which has resulted in the open dumping of waste by members and non-members (see priority number 3 above). There is minimal waste stream diversion, such as recycling and composting, apparently due to cost and lack of potential markets for recycled materials.

In 2009, we received funding from the Tribal Interagency Solid Waste Workgroup to design and construct a solid waste transfer station in the Ojibwa Industrial Park. We will be working with IHS to complete the project. Completion is expected in 2010. The transfer station will be open to the public. Potential future elements include composting and recycling, household hazardous waste collection, and other special waste collection or recycling services. Over the years, the Tribe has provided an annual bulky waste collection service for enrolled members and hosted or participated in household hazardous waste collection events. We would like to continue offering these services. Our Integrated Solid Waste Management Plan was approved by the EPA in 2005 and is being revised to reflect the current reality and to incorporate EPA recommended elements. We are also interested in reducing or eliminating the use of residential and commercial burning and burn barrels which are used to burn solid waste on the Reservation. Technical assistance is desired to help with our efforts in this area.

EPA Role: LCD will coordinate with IHS to provide technical assistance to develop the transfer station and corresponding waste collection and recycling services. LCD will assist the Tribe to meet the recommended five elements for an integrated waste management plan. GLNPO encourages KBIC to investigate the possibilities of support for hazardous waste, electronics, and pharmaceutical waste collections under the GLRI. Superfund Division can continue to fund (through the CERCLA Section 128(a) grant) Tribal staff work on household hazardous waste collection events in order to prevent those waste streams from appearing in illegal/open dumps.

5. Protect air quality for Tribal members – The Tribe's goal is to develop an air quality program within the Natural Resource Department and obtain program eligibility. Currently capacity and infrastructure limitations have prevented us from moving forward towards this goal. Our air quality concerns include both ambient and indoor air quality in Tribal residences, offices,

and other Tribal facilities. We currently have a continuous radon monitor which environmental staff are trained to use and is available for conducting testing of area residences and other buildings. Single use radon testing kits are also available for membership use. Elevated radon concentrations are a concern at the NRD offices. Concerns noted in various Tribal residences and government buildings have included mold, asbestos, and lead. A cogeneration power plant recently started operating approximately 2 miles from the L'Anse Reservation which may have adverse impacts on air quality and water quality.

EPA Role: In 2008, the Air and Radiation Division hosted a Tribal Indoor Air Summit in Baraboo, Wisconsin. The majority of Region 5 Tribes participated as well as State and Federal representatives who included Minnesota, Wisconsin, and Michigan asthma leads. As a result, a post summit workgroup was formed as a vehicle for Tribal representatives to join the quarterly calls for input regarding their indoor air concerns. EPA encourages Tribal participation in this call and supports the calls to build indoor air programs capacity, and will work to assist the Tribe to address indoor air quality issues as necessary and appropriate.

6. Impacts from off-Reservation development – Proposals for resource extraction and processing enterprises are increasing on private and public lands within the areas ceded by the Tribe. At least six separate mineral exploration companies have been working in the western Upper Peninsula of Michigan and are targeting both metallic sulfides and uranium ores for potential future development. One exploration firm has announced that it has identified six potential mining development prospects. Another mining company has announced their intention to apply for a permit to mine a copper sulfide deposit located approximately one-half mile from Lake Superior.

A permit proposal has been submitted to the State of Michigan by a mining company for development of a sulfide ore processing facility at a location about 20 miles from our L'Anse Reservation. A mining trucking haul road has been proposed for construction through an extensive area that was formerly roadless and contains significant clean water resources and healthy fish and wildlife populations and forestry resources. This haul road, if constructed, will require significant wetland filling, and could result in loading of heavy metals and other contaminants to a significant area of streams, wetlands, and forest. Sulfide and uranium mining activities would have significant adverse impacts on the land, water, and biological resources that are used by tribal members. These potential enterprises are primarily regulated by the State of Michigan through authorities delegated by EPA, or through State environmental laws regulations. There are concerns with the State of Michigan regulatory capacity due to lack of State funding and other reasons.

Additional concerns include potential impacts from area logging, and potential impacts from biomass energy development promoted through renewable energy subsidies. Additional concerns include impact to Tribal resources caused by deposition or migration of contaminants into our environment from outside areas, and impacts caused by persistent contaminants and compounds. Mercury, dioxins, PCB's, toxaphene, and other contaminants impact water quality and our fishery and other resources which tribal members consume.

EPA Role: Water Division will continue to provide the Tribe with technical assistance as it relates to water resources. Once the Tribe applies for and is approved for program eligibility under CWA Section 303, EPA can assist the Tribe to be more directly involved in activities

that impact Reservation waters. GLNPO encourages KBIC to explore the potential for help in addressing these issues through the Lake Superior Lakewide Management Plan (LaMP) process. Noncompetitive LaMP capacity funding is available from GLNPO. Air and Radiation Division will provide assistance in addressing renewable energy issues, as well as advice on issues associated with aquatic deposition of environmental toxicants. Superfund Division can initiate a site assessment process under CERCLA on formerly used mine sites in response to a petition from the Tribe. That site assessment process is unrelated to proposed future uses of a mine or mining associated site and is unrelated to any permitting process for proposed mines.

7. Reduce the Tribe's environmental impact/climate change – KBIC is interested in reducing our impact to the environment and climate through energy conservation, water conservation, use of renewable and alternative energy sources, recycling, and other resource reduction strategies and potentially sustainable practices. We are also interested in educating ourselves and the Tribal membership about these issues. We recently formed the Committee for Alternative and Renewable Energy which holds monthly meetings and developed a Strategic Energy Plan with assistance from the Council for Energy Resource Tribes. This plan is scheduled to be updated in the near future. Energy baseline assessment data is being collected and compiled. Wind power feasibility studies are being planned and should commence in late 2009 or early 2010 utilizing funding assistance that will be received from the Department of Energy (DOE) and technical assistance from EPA. Additional training and capacity building will commence in the near future using assistance to be received from DOE. Our walleye ponds are aerated using solar power and we are interested in additional development of solar resources. In 2009, the NRD hosted an Environmental Fair to provide education to school-aged children and Tribal members on environmental and sustainability issues and concerns. We hope to expand educational efforts and opportunities and would like to continue hosting an environmental fair each year.

EPA Role: Land and Chemicals Division will disseminate information on funding and technical resources whenever available to support the Tribe's pollution prevention, source reduction, and recycling strategies. GLNPO encourages KBIC to discuss impacts/adaptation interests within the context of the GLRI as the Initiative develops its priorities for funding in future years. Air and Radiation Division will provide assistance as appropriate in understanding and/or addressing various alternative energy programs and their potential in reducing impacts to the environment. Superfund Division will continue to keep the Tribe informed of funding and technical assistance opportunities for renewable energy offered by EPA nationally and in partnership with DOE.

8. Develop environmental laws and policies – Enforcement mechanisms are needed to ensure the protection, enhancement and restoration of the health, welfare, culture, and the environment and natural resources for current and future generations. These policies and laws need to incorporate a variety of subjects including environmental response and remediation, solid waste management, land use planning, regulation of open dumping and burn barrels, use of environmental management systems, and policies that encourage the use of green building practices, renewable energy, environmental design, energy efficiency and "green" practices. Capacity challenges and limitations are present in this area.

EPA Role: As resources and authorities allow, the Indian Environmental Office will work with the Tribe to identify environmental program capacity building activities related to this priority that may be supported through funding and technical assistance under the Indian General Assistance Program (IGAP). Superfund Division can continue to fund (through the CERCLA Section 128(a) grant) Tribal staff or contractor work on development of Tribal enforcement and oversight authority for environmental response and remediation, and regulation of dumping of solid and hazardous waste and other related laws, regulations, and policies. Technical assistance also can be provided to identify model laws which can be adapted to this Tribe's circumstances.

9. Develop an emergency response program – The KBIC Government would like to take a more active role in emergency response planning and preparation in Baraga County. This role would include either formal involvement in the Local Emergency Planning Commission in Baraga County or the development of a Tribal Emergency Planning Commission. Development of an emergency response program would also include updating or creating an emergency management plan, training appropriate staff, and identifying the role of local, county, and tribal government in a response. Capacity challenges are present in this area.

EPA Role: Superfund Division supports this work by Tribal staff through CERCLA Section 128(a) grant funding. Superfund Division also provides staff and contractor support to train Tribal staff and is facilitating the ongoing and increasing integration of Tribes into the larger response community. Superfund Division will continue to invite the Tribe to Regional Response Team and Area Planning Committee meetings and will provide more contact between Tribes with the initiation of regular Tribal emergency preparedness conference calls.

10. Obtaining CWA Section 319 funding for non-point source management – Our community is concerned about nonpoint pollution impacts to water resources caused by agriculture, unrestricted livestock grazing, poor siting and design of roads and bridges, poor quality stream crossing construction and maintenance practices, road de-icing in the winter, commercial forestry practices, abandoned mines, fertilizer and pesticide use, construction activities, and other sources. Obtaining Section 319 funding would allow us to quantify, monitor, and potentially remediate some or all of our non-point sources on the Reservation. We are also interested in non-traditional methods of construction and controlling of storm water. Staffing and staffing support services and support infrastructure might need to be increased.

EPA Role: Water Division will assist the Tribe when they are ready to apply for program eligibility under CWA Section 319. When ready, we suggest the Tribe initiate the process by setting up a conference call with the Water Division, Office of Regional Counsel, and the Indian Environmental Office. In addition to the CWA Section 319 application, the Tribe will need to develop a Management Plan and an Assessment Report outlining their priorities and plans for their Non-point Source Program (funding under CWA Section 106 or IGAP can be used to develop these documents). EPA will provide the Tribe with the revised CWA Section 319 Guidance that will be issued in early 2010 and will provide technical assistance as needed. Please note that the program eligibility application must be approved by mid-October to be eligible for funding the next fiscal year. GILNPO encourages KBIC to discuss their CWA Section 319 interests with GILNPO in light of the potential for complementary non-point source work under the GILRI.

11. Obtaining CWA Section 404 Wetland Management Program funding – The Tribe would like to obtain Section 404 funding to delineate and manage Reservation wetlands, quantify their condition, and identify restoration needs and priorities. An updated wetlands management plan and a wetlands ordinance are goals that have been identified.

EPA Role: Annually, EPA provides funding under CWA Section 104(b)(3) for wetlands programs through a competitive process. The Water Division will provide technical assistance to the Tribe in the development of wetlands plans. Funding under CWA Section 106 and the IGAP may also be used for these activities. GLNPO encourages the Tribe to discuss its wetlands program goals with the agencies funded for habitat protection/restoration work under the GLRI.

12. Fish Hatchery Aquifer Management – The Tribe has operated a fish hatchery since 1993. Currently, lake trout, brook trout, and coaster brook trout are reared for stocking into Reservation and ceded territory waters for fishery enhancement needs consistent with Great Lakes Fishery Commission restoration objectives for Lake Superior. The hatchery utilizes groundwater as a water supply source. We are in need of additional aquifer characterization studies and water use planning assistance to help ensure the long term sustainability of hatchery operations. We have been requesting funding from the BIA since 2004 for such assistance; however, the BIA water program has been unable to provide any funding for Tribes in this region for many years. Our long term goal is to upgrade and install water recycling and aquifer monitoring systems to improve our water management, use water and other resources more efficiently, and expand our hatchery rearing capacity.

EPA Role: EPA does not currently have funding available for aquifer characterization studies. Water Division can assist the Tribe if any permits are needed for the hatchery water surface water discharges. GLNPO can help the Tribe to discuss fisheries priorities within the context of the GLRI opportunities across several agencies.

13. Ensure environmental and natural resource elements are considered in land-use planning – Currently, there is no established land-use planning process for Reservation lands. There is no local zoning for surrounding communities. We are currently in the process of conducting land-use planning and would like to ensure that the environment, natural resources, and complex ecosystems are protected and considered when making decisions regarding commercial and residential development. Additional resource inventory databases and database management systems are in need of development.

EPA Role: Specific activities related to this priority may be eligible for funding under IGAP.

14. Participation and active involvement in regional environmental forums and planning efforts – The Tribe would like to increase its ability to participate in regional environmental planning and management efforts. Specifically we would like more involvement in the LAMP process, Bi-national forum, Fish Habitat Partnerships, Great Lakes Fishery Commission, Intergovernmental Accord process, and other efforts that involve and affect Lake Superior and Lake Superior ecosystems.

EPA Role: Specific activities identified under this priority may be eligible for funding under IGAP and CWA Section 106 programs. Superfund Division will continue to invite the Tribe to Regional Response Team and Area Planning Committee meetings and encourage their participation on those bodies and in area exercises. Tribal staff time to attend these meetings can be funded under the CERCLA Section 128(a) grant. GLNPO can provide noncompetitive capacity funding for the Tribe to participate in LaMP process as well as related networks. In addition, GLNPO encourages KBIC to learn more about the Cooperative Science and Monitoring Initiative (CSMI) and the possible coordination of Great Lakes water quality monitoring activities. The CSMI is a joint effort between Canada and the U.S. which has the goal of providing the environmental managers of each of the Great Lakes with an enhanced science program that addresses their information needs on a 5-year rotating schedule. CSMI began and continues as a program requested by the Binational Executive Committee. Science and monitoring priorities are identified by the Lakewide Management Plan (LaMP) Management Committees, and by management committees for the connecting channels and St. Lawrence River, and coordination through a binational CSMI Steering Committee. For more information, please contact Glenn Warren, U.S. Co-Chair of CSMI Steering Committee, or Liz LaPlante, the Lake Superior LaMP Manager.

15. Establish and Environmental Health Plan for the Tribe – Initial discussions between KBIC's Department of Human Health and Services and NRD have identified a need for development of an Environmental Health Program or an Environmental Health Plan. Topics of the Environmental Health Plan could include contaminant reduction, drinking water quality, indoor air quality, solid waste and household hazardous waste, mercury awareness, consumer product education, lead awareness, asbestos education, mold, ozone, biological agent information, exposure route education that could include fish and wildlife health, water, air, food handling, and consumer product information. Environmental hazards have been linked to such conditions/diseases as asthma, cancer, lung disease, autism, Parkinson's disease, and reproductive health. Environmental Health Planning could also include emergency response actions related to influenza pandemics, environmental disease outbreaks, and natural disasters.

EPA Role: Specific activities related to this priority may be eligible for funding under IGAP. The Tribe could use a portion of their CWA Section 106 funding to support this activity as it relates to water resources. Air and Radiation Division will support, as appropriate, the Tribe's development of an Environmental Health Program to address various issues including indoor air quality, mercury, radon, and mold. Education of the public about environmental and human health risks of certain actions, such as improper dumping of household hazardous waste, is an appropriate element of a Tribal site response program, and some of this work can be supported by Superfund Division under the Tribe's CERCLA Section 128(a) grant. Much of the environmental health planning also mentioned in this priority is beyond the mission of Superfund Division. However, planning and preparedness work for emergencies related to contaminant releases, which is supportable with the CERCLA Section 128(a) grant, generally will enhance some elements of preparedness for such things as natural disasters or pandemics.

16. Impacts from on-Reservation development – Proposals for resource extraction and potentially for processing enterprises are anticipated on private lands within the L'Anse Reservation boundaries. At least two separate mineral exploration companies have conducted

metallic sulfide mineral exploration within the L'Anse Reservation boundaries. The Ontonagon Reservation is in an area of stated interest by at least one company for metallic mineral exploration. Sulfide and uranium mining, and associated activities, would have significant adverse impacts on the land, water, biological and other treaty resources that are used by Tribal members. Potential mineral development enterprises would be regulated by the EPA through federal statutes and regulatory programs. There are concerns that the Tribe does not have the capacity to fully evaluate potential resource impacts or collect sufficient baseline data to determine likely impacts. Additional concerns include potential impacts to Tribal resources from area logging, biomass energy development promoted through renewable energy subsidies, deposition or migration of contaminants into our environment from outside areas, and persistent contaminants and compounds. Mercury, dioxins, PCB's, toxaphene and other contaminants impact water quality and our fishery and other resources which Tribal members consume.

EPA Role: Activities conducted within the Reservation boundaries are subject to applicable federal environmental requirements. EPA is responsible for ensuring that all regulated activities and facilities are in compliance with these requirements. The Agency recognizes that it has a trust responsibility to protect Tribal resources and consider impacts to Tribal resources as it implements its statutory authorities. As EPA administers the federal environmental programs outlined in this document, it will consult with the Tribe on any actions that may potentially impact Tribal resources. As appropriate under the EPA funding awarded to KBIC, Region 5 will work with the Tribe to identify how specific environmental program capacities can be developed.

17. Protection of traditional/cultural resources and areas on and off-Reservation – Proposals for metallic sulfide mining and processing, uranium exploration and potential mining and processing, biomass development, logging, road construction, housing and other construction, and other land use activities have the potential to negatively impact or destroy Tribal traditional/cultural resources and areas both on and off Reservation lands. Off-Reservation activities are generally regulated by the state of Michigan or local authorities. Consultation with the Tribal Historic Preservation Office is typically not completed by State or local government permitting agencies.

EPA Role: Section 106 of the National Historic Preservation Act (NHPA) requires federal agencies to take into account the effect of their undertakings on properties included or eligible for inclusion on the National Register of Historic Places. NHPA provides that properties of traditional religious and cultural importance to a tribe may be eligible to inclusion in the National Register and federal agencies are directed to consult with tribes when carrying out their responsibilities under Section 106. When implementing the federal environmental requirements, both on and off-Reservation, EPA will consult with KBIC to identify historic properties that meet the National Register criteria, determine potential for adverse effects to historic properties, and attempt to resolve or mitigate adverse effects.

Section 3: Implementation of Federal Environmental Authorities

The purpose of this section is to provide an outline of how EPA and the Keweenaw Bay Indian Community will work in partnership to ensure that federal environmental programs are implemented within the Reservation. For each major environmental statute, the current federally regulated universe is summarized and the corresponding tribal and federal implementation roles/responsibilities are defined for the next three years.

Please note that this section does not attempt to characterize all federal authorities that may be implemented on the Reservation. As new regulated facilities are proposed, additional federal requirements promulgated, or conditions on the Reservation change, EPA may exercise additional regulatory authorities or provide other assistance to the Tribe. Instead, this document defines for a particular time frame a list of specific activities in response to the existing universe of regulated facilities and activities. This Agreement does not preclude EPA's discretion to exercise its authorities to protect human health and the environment.

In accordance with the Agency's policies related to working with Tribal Governments, EPA will promote and facilitate communication with appropriate Tribal leaders and staff as it implements its programs. EPA will use best efforts to ensure that outreach, information exchange, and requests for Tribal input will occur early in any Agency process that may affect the Tribe. Full consideration will be given to the policies, priorities, and concerns of the Tribe. As appropriate under the 1984 EPA Indian Policy and Executive Order 13175 Consultation and Coordination with Indian Tribal Governments, EPA will engage in consultation as requested by the Tribal Government.

Clean Air Act

Federally Regulated Facilities within the Reservation	
Major sources (PSD/Part 71 Permits)	No identified facilities
Minor sources	Inventory under development (see below)
Facilities required to develop a risk management plan under CAA Section 112(r)	No identified facilities

National Ambient Air Quality Standards Attainment Status
Reservation currently in attainment for all promulgated NAAQS

Status of Emissions Inventories Submitted for Reservation		
Inventory Category	Date Submitted	Emissions Inventory System
Major Source - Stationary source that emits or has the potential to emit any pollutant regulated under the CAA at a significant emission rate, as defined by 40 CFR 70.	To be developed	NA
Minor Source - Facility site that does not qualify as a major source.	Under development see below	To be uploaded in 2010
On-road Sources - Vehicles used on roads for transportation of passengers or freight, also called "on-highway."	To be developed	NA
Non-road Sources - Vehicles and equipment that operate off public roadways or highways.	To be developed	NA

Tribal Implementation Activities:

- During 2010-2012, KBIC anticipates continuing to perform radon assessments at tribal facilities and member households using continuous radon monitors.

EPA Implementation Activities:

- Air and Radiation Division (ARD) is working to complete a minor source emissions inventory for the Reservation. A direct implementation tribal cooperative agreement (DITCA) with the Inter-Tribal Council of Michigan (ITCM) has been issued to develop the inventory. ARD is working with the Office of Air Quality Planning and Standards and Office of Management and Budget to secure an updated Information Collection Request to enable ITCM to complete the DITCA inventory project by summer 2011.
- It is anticipated that the Agency will promulgate a Tribal minor new source review rule during the first quarter of fiscal year 2011. After the rule is promulgated, ARD will review with the Tribe the regulated universe on the Reservation and discuss how the minor new source review program will be implemented on the Reservation.
- EPA supports radon testing, as necessary. ARD posts an annual funding announcement to solicit proposals from Region 5 Tribes for TSCA-SIRG radon funding consideration. Funding is based on the strength of the proposal submitted and the applicant's demonstrated need, as well as, the realities of EPA's budget constraints.

Clean Water Act

Federally Regulated Facilities Within Reservation	
NPDES permits	No identified facilities
NPDES storm water construction, industrial, municipal permits	<p>Beartown Housing Road Project [MIR10A551] Walleye Rearing Facility [MIR10A591]</p> <p>Potential facilities/sites on Reservation covered by MDEQ NPDES general permits:</p> <p>All Wood Inc. Connor Forest Industries Des Rochers Bos. Inc. MDOT-M38-McGillian-US41 Michigan Ang-Baraga-OMS 16A Pettibone Corp. Tangen Div. Ralph's Reusables Valmet Logging American Van Sraten & Sons Inc.</p>
Facilities/Sites subject to Section 404 review	No identified facilities
Oil storage facilities regulated under SPCC program (CWA Section 311)	Northern Oil

Tribal Implementation Activities:

- The Tribe has developed a memorandum of agreement (MOA) with EPA to coordinate implementation of the NPDES construction general permit program. Two tribal staff members have been issued federal credentials to conduct inspections at sites regulated under the construction general permit. The Tribe will continue to monitor activity on the reservation that is subject to compliance with the construction general permit, and as authorized by EPA conduct compliance inspections.
- In 2009, KBIC completed a draft application for program eligibility for CWA Sections 303 and 401. Revisions are being made based on discussion with EPA, and the Tribe anticipates a submittal draft will be done in early 2010.
- The surface waters on the Reservation have been inventoried. A wetland inventory is ongoing, but the current focus is on wildlife habitat using Tribal Wildlife Grant support. Additional wetland inventory work will likely be necessary.
- The Tribe completed a Monitoring Strategy in June 2009. KBIC operates a surface water monitoring program. The Tribe would like to add biotic sampling elements to its program. Additional baseline data collection efforts are needed in areas currently targeted for sulfide mineral exploration on the Reservation to ensure we have adequate data with which to predict impact to evaluate any development proposals put forth and to measure any natural resource damage should sulfide mining development occur. The Tribe needs additional funds to complete this work. Recent funding cuts have reduced our ability to collect additional data outside of the core ongoing monitoring program.
- KBIC has had and will continue to have some involvement in the Deer Lake site, an EPA Area of Concern and in general have a high degree of concern with mercury in our environment and fishery resources.

EPA Implementation Activities:

- By September 2010, Water Division will have consulted with the Tribe to determine whether the facilities listed above operating under state permits are located within the Reservation. For any facilities found to be within the Reservation boundaries, Water Division will begin the NPDES permitting process for the permits that are expired and then as permits expire.
- By September 30, 2010, Water Division will identify any facilities on the Reservation that are required to obtain coverage under the Multi-Sector General Permit for Storm Water Discharges Associated with Industrial Activity. Facilities that are identified will be sent a notification and Water Division will work with them to obtain permit coverage.
- For the MOA related to the NPDES construction general permit program, Water Division will continue to work with the Tribe to authorize inspections of permitted construction sites; review inspection report checklists and provide compliance assistance or take enforcement actions based on the results of the inspection; continue to ensure required annual training is completed; and, as credentials expire, work with Tribal staff to reissue credentials.
- In 2010, Water Division will work with EPA Headquarters to plan three tribal water quality standards (WQS) training sessions: (1) Introduction to WQS; (2) Clean Water Act Section 303/401 Treatment as State and the EPA Treatment as State Strategy; and (3) 5-day WQS Academy.
- In the event of any spill or incident indicating possible violations at the Northern Oil Facility, Superfund Division will re-inspect this facility for compliance with the Spill Prevention, Control and Countermeasures Rule and take appropriate compliance assistance or enforcement steps.
- EPA will, as resources and authorities allow, support the Tribal implementation activities identified above and within their Monitoring Strategy through targeting funding under the CWA Section 106 funding program.

Safe Drinking Water Act

Federally Regulated Facilities Within the Reservation	
Public Water Supply Systems	<p>Ojibwa II Casino [N-050593303] New Day Treatment Center [T-050593304] Zeba [C-055293302] Kawbawgam Road [C-055293303]</p> <p>Baraga Water Treatment Facility L'Anse Water Treatment Facility Complete universe on fee lands not known (see below)</p>
Underground Injection Control Wells	<p>Class V wells: 21 (tribal lands) Potential Class V wells: 29 (fee lands)</p>

Tribal Implementation Activities:

- The Tribe completed source water assessments and protection plans for the Kawbawgam Road community system (November 2003) and Zeba community system (February 2004). Under a direct implementation tribal cooperative agreement with the ITCM, the Tribe is currently developing a source water assessment and protection plan for the Ojibwa II Casino.

EPA Implementation Activities:

- A sanitary survey was conducted at the Ojibwa II Casino in June 2007 and at the New Day Treatment Center in April 2007. Sanitary surveys for non-community systems will be conducted every 5 years. The Water Division has entered into an Inter-Agency Agreement with the Indian Health Service to provide support for a Tribal Utility Consultant (formerly called a circuit rider). The Tribal Utility Consultant will conduct annual sanitary surveys at community water systems and provide technical assistance as requested by the Tribes.
- Through a direct implementation tribal cooperative agreement with the ITCM, the Water Division recently completed an inventory of potentially regulated Class V UIC wells located within the Reservation boundaries. By September 2012, the Water Division will complete site visits to verify whether these facilities are regulated under the UIC Program. The Water Division will seek the closure of any active motor vehicle waste disposal wells, floor drains and shop sinks that receive fluids from motor vehicle maintenance and service activities, and drain underground into drywells or septic systems.
- The Water Division has entered into a direct implementation tribal cooperative agreement with the ITCM to provide participating tribes with compliance assistance under the Safe Drinking Water Act. During 2010, the ITCM will provide compliance assistance to KBIC utility operators on source water assessments and protection plans for the Ojibwa II Casino public water supply system.
- By September 2010, the Water Division will complete an inventory and verify the compliance status of the public water supply systems located within the Reservation boundaries that are currently regulated by the state of Michigan.

Resource Conservation and Recovery Act

Federally Regulated Facilities within the Reservation	
RCRA C treatment, storage, disposal facilities	No identified facilities
RCRA C hazardous waste generators – Active	<p>Small Quantity Generators</p> <p>Terex Handlers [MID106634272]</p> <p>Conditionally Exempt Small Quantity Generators</p> <p>AAA Collision [MID985640333]</p> <p>Baraga Armory [MID98207327]</p> <p>Baraga Correctional Facility [MI0000129221]</p> <p>Besse Forest Products, Inc. [MID985619477]</p> <p>Johnson & Berry MFG. [MID048989941]</p> <p>MI Department of Natural Resources Field Office [MID985632595]</p> <p>Native American Tubcraft [MID000009597]</p> <p>Northern Tool & Engineering, Inc. [MID985617596]</p> <p>Pats Baraga Motorsports [MI0000971366]</p> <p>Pettibone Michigan Corp. [MID006129373]</p> <p>Shoeders Auto Center Inc. [MIR000027219]</p>
RCRA D solid waste disposal facilities	KBIC Construction & Demolition Waste Landfill
RCRA I underground storage tanks	<p>Ojibwa BP</p> <p>Lute's Corner Store</p> <p>Northern Oil, Inc.</p> <p>Pines Convenience Center</p>
RCRA I leaking underground storage tanks	<p>Bill's Corner Store, Inc. (Lute's Corner Store)</p> <p>Baraga Mobil Mart/Ojibwa BP (Bay Shore BP)</p> <p>Northern Oil, Inc. (Baraga Muffler)</p> <p>Pines Convenience Center (former)</p>

Open Dumps Currently Inventoried on Reservation	
Reported to wSTARS Operation and Maintenance Data System	38 (tribal lands only)

Tribal Implementation Activities:

- KBIC has an integrated waste management plan (IWMP), and is currently revising to include better waste projection information and meet the EPA recommended elements. The Tribe requests assistance with transfer station and waste stream reduction planning, implementation, and regulatory compliance.
- The Tribe currently has a draft solid waste ordinance that regulates the disposal of solid waste and prohibits open dumping. Ordinance priorities and final development is determined by the Tribal Council and the Tribal Attorney office with relevant input from Government Departments as needed or requested. The process for development and implementation of a new ordinance can be quite lengthy and involved.

- In 2010, KBIC will be designing and constructing a solid waste transfer station to improve solid waste management on the Reservation. Tribal facilities currently contract with private waste haulers for waste disposal.
- Open dump sites are currently included in the Tribal Response Program Brownfields Database. KBIC is also developing an open dump inventory. Open dumps are also listed in the IHS Sanitation Deficiency System list each year.
- KBIC NRD provides compliance assistance to the Pines Convenience Center.

EPA Implementation Activities:

- Land and Chemicals Division (LCD) will ensure that the underground storage tanks are inspected at a minimum of once every three years. This activity will be accomplished through a combination of EPA inspections and a direct implementation tribal cooperative agreement with the Inter-Tribal Council of Michigan.
- During 2010-2012, LCD will work with the Tribe to review the status of the leaking underground storage tanks located within the Reservation boundaries, identify the LUST inventory, identify any Tribal-specific concerns, gather information on the status of responsible parties, and discuss prioritizing eligible sites for assessment and/or remediation.
- By September 2012, LCD will conduct a site visit at the KBIC Construction and Demolition Waste Landfill to verify that the facility is operating according to 40 CFR Part 257.
- During 2010-2012, in consultation with the Tribe, LCD will conduct enforcement investigations to determine the appropriateness of enforcement action to address specific incidents of illegal dumping on the Reservation.
- During 2010, LCD will update the inventory of RCRA Subtitle C facilities located on the Reservation. LCD will work with the Tribe and Indian Environmental Office to verify the location of these facilities and their operating status. Based on their status as a large quantity generator, inspections will be conducted beginning in 2011. Tribal concerns about specific facilities should be forwarded to LCD.
- EPA will, as resources and authorities allow, support the Tribal implementation activities above through targeting funding under IGAP and the CERCLA Section 128(a) Tribal Emergency Response Program.

**Comprehensive Environmental Response, Compensation and Liability Act
(Including Emergency Planning and Community Right-to-Know Act and
Small Business Liability Relief and Brownfields Revitalization Act)**

Federally Regulated Sites and/or Facilities	
Facilities that must report to LEPC/TERC	Current universe not known
Facilities that must report under the Toxic Release Inventory (EPCRA Section 313)	Terex Telehandlers Baraga

Contaminated Sites Addressed Under CERCLA	
Emergency Response and Removal Actions	No current activities
NPL Site Remediation	No sites currently on Reservation Torch Lake (located in treaty-ceded area)

Contaminated Sites Addressed Under Non-CERCLA Authorities	
Target Brownfields Assessment Projects	None identified
Number of Brownfields Sites Inventoried and/or Assessed	110 Sites Inventoried

Formal Organization under EPCRA	
MOU between KBIC and Baraga County LEPC – status to be verified	

Tribal Implementation Activities:

- During 2010-2012, based on direction of the Tribal Council, KBIC expects to formalize its status as a member of the Baraga County LEPC.
- Baraga County Emergency Response Plan includes KBIC Reservation but needs to be updated. The Tribe has had initial discussions with EPA about assistance with EPCRA planning.
- KBIC concerns with the Torch Lake NPL Site and stamp sands in general include potential for continued or an increase in water quality and benthic environment impacts.
- KBIC has received eligibility for funding under CERCLA Section 128(a) to establish a Tribal Emergency Environmental Response Program. During 2010-2012, as part of the development of its site response program under the CERCLA Section 128(a) grant, the Tribe will continue ongoing site assessments (and cleanup if necessary), program development, and community outreach and education.

EPA Implementation Activities:

- Remedies for all operable units (except Quincy Smelter) of the Torch Lake Site are in place. Remedy completion for Quincy Smelter is expected in 2010. The next five-year review of protectiveness of the remedy is not due during the period covered by this Agreement. EPA and the State of Michigan currently are discussing the possibility of assessing additional sites in the vicinity of Torch Lake which may be impacted by mining waste. By September 30, 2010, EPA will meet with the Tribe to provide a comprehensive briefing about the Torch Lake Site and any plans for additional CERCLA assessments in that area. EPA also will discuss with the Tribe any specific areas near the Torch Lake Site about which it is concerned.

- By June 30, 2011, Superfund Division will initiate work with the Tribe to develop a Tribe-specific profile for the Area Contingency Plan describing the Tribe's preparedness status, resources, and capabilities in the event of an incident or spill within the Reservation.
- Superfund Division will review updated draft preparedness plans to help the Tribe to bring the plans into compliance with EPCRA and assure that Tribal resources are covered.
- By September 30 of each year, and based on funding availability, Superfund Division will provide annual Section 128(a) funding to the Tribe for eligible activities to support development of the Tribe's site response program, including emergency preparedness work and addressing open dumps with contamination or potential contamination.
- On an annual basis, Superfund Division will provide Brownfields training for tribal staff.

Federal Insecticide, Fungicide and Rodenticide Act

Federally Regulated Sites and/or Facilities	
Registered pesticide producing establishments	No identified facilities
Retail establishments selling regulated pesticides	No registered pesticide producing establishments Hardware stores Lawn/garden stores Convenience stores
Facilities (i.e., bulk agrichemical establishments) that must comply with the container containment requirements	No identified facilities
Level/type of pesticide use activity on Reservation	Relatively small use of pesticides on the Reservation due to the lack of agricultural lands. Timber/paper companies currently perform occasional pesticide/herbicide spraying. U.S. FWS also performs pesticide sea lamprey control on rivers which drain into Lake Superior near the Reservation. A local power company, UPPCO, may use pesticides/herbicides for line maintenance and the Baraga County Road Commission may use pesticides/herbicides for road maintenance.

Tribal Implementation Activities:

- No Tribal implementation activities have been identified for this planning agreement.

EPA Implementation Activities:

- There are currently no EPA implementation activities specifically identified for this Reservation for 2010-2012. (As new regulated facilities are proposed, additional federal requirements promulgated, or conditions on the Reservation change, EPA may exercise additional regulatory authorities or provide other assistance to the Tribe.)

**Toxic Substances Control Act
(Lead-Based Paint and Asbestos)**

Federally Regulated Sites and/or Facilities	
Amount of pre-1978 housing and child-occupied facilities (pre-school, daycare, etc.)	Tribe has not completed an inventory. Most Tribal HUD housing is post-1978. IHS staff has completed environmental health surveys of facilities.
K-12 schools	Baraga Area High School Phillip Latendresse School

Tribal Implementation Activities:

- No Tribal implementation activities have been identified for this planning agreement.

EPA Implementation Activities:

- Based on funding availability, Land and Chemicals Division (LCD) will work with the Inter-Tribal Council of Michigan to continue and expand services to the KBIC Reservation through a Lead-Based Paint Program Direct Implementation Tribal Cooperative Agreement.
- By September 2010, LCD and the Indian Environmental Office will work with the Tribe to identify the universe of K-12 schools on the Reservation that were constructed prior to October 12, 1988.
- By September 2012, LCD will provide compliance assistance to support the Local Education Agency (LEA) on the KBIC Reservation to ensure compliance with TSCA Title 2 Asbestos Hazard Emergency Response Act (AHERA).
- During 2010-2012, LCD will conduct 25% of its ACS-committed inspections in Indian country, at K-12 schools that were constructed prior to October 12, 1988, to determine compliance with AHERA.


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INTERAGENCY OCEAN POLICY TASK FORCE

GREAT LAKES REGIONAL PUBLIC MEETING

OCTOBER 29, 2009

4:00-7:00 P.M.

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BY: Katrina Dearborn

Court Reporter

Dearborn Reporting Services

1375 East Ninth Street

Cleveland, OH 44114

216—298—4888

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Our first panelist is Susan LaFERNIER who is the Vice President of the Keweenaw Bay Indian Community who will speak a little bit about tribal interests and the past force charge.

Our second panelist is Peter Johnson, a program director at the Council of Great Lakes Governors who will discuss state governance issues.

Our third panelist is Gildo Tori. Gildo is the Director of Public Policy in the Great Lakes and Atlantic Region for Ducks Unlimited. He'll be speaking on issues related to habitat, conservation, and restoration.

And then the fourth panelist, as far as this group, is David Ulrich, the Director — the Executive Director of the Great Lakes/St. Lawrence City's Initiative. And he'll be speaking on public and coastal health and recreational issue. With that, I'll turn it over to Susan. Thank you.

MS. LaFERNIER: Thank you very much. ANIN! And good afternoon, everyone. I am honored to be here today, and our Tribe sends greetings to you and our neighbors near and far in this great country. I especially send our Honorable President Obama greetings, and am truly grateful and appreciative of his commitment to us to care for our Great Lakes, and also to all of you.

Our Tribe is the Lake Superior Band of Chippewa Indians. Our total membership is 3,482, of which 2,400 live in the upper peninsula of Michigan. Our reservation was established with our 1854 Treaty. Not all tribes have reservations, and each tribe is unique.

I will be talking briefly about why the Great Lakes are important to our tribe and to all people that the lakes surrounds. Also a brief history of our tribe. And finally, another serious threat to our waters.

I was born at my parents' home on the Keweenaw Bay Indian Community Reservation in the upper peninsula of Michigan. And I am thankful each day for all of the beauty in my backyard. And I am fortunate to be able to live by the shores of Keweenaw Bay and our beautiful Lake Superior. And the moving this morning did tell it all. It was a wonderful, wonderful movie.

The Lake Superior ecosystem and the health of these systems are critical to the health of our community. We are part of the lake, the land, and our survival depends on the lake. We enjoy the lake, swim in the lake, harvest fish. It is part of our ceremonies, and we use it to supply drinking water to our communities. Water is life. We spear walleye and rainbow trout in the spring, and fish for brook trout in our streams. We collect fruits and berries to eat and gather plants for medicines and other purposes. In the fall people travel long distances to harvest wild rice. We also harvest timber to heat our homes in the winter. In our Lake Superior watershed, all of our water flows to our big, fresh lakes and to the other lakes. Do you remember which fish is a survivor in the Lake Superior watershed? And do you know what a watershed is?

We all recognize the essential role that the Great Lakes and the Michigan inland lakes, rivers, streams and groundwater have played in the past, present and future destiny of both the State of Michigan and tribal nations within the state. In a tradition shared with the Ottawa and Potawatomi, the Ojibwa who are nature's people, remember a time when they lived near an ocean, lived along the shores of a great salt sea to the east at the beginning of time. Sometime around 1400 when the climate became colder, these original people started to arrive on the east side of Lake Huron. And so our story begins.

The Ojibwa were the largest and the most powerful Great Lakes Tribe and perhaps the most powerful east of the Mississippi, and quite possibly, the most powerful in North America. To the Chippewa, land was a gift with a Great Spirit; a gift freely given to cherish and protect. In the early 1600s we lived by moving from camp to camp to harvest foods, such as maple syrup, fish, venison, berries, and wild rice, directed by the seasons. According to the government, the Chippewa of Lake Superior had title to the western half of the U.P., and title to the rest of the state had already been purchased by 1840. As settlers came to the U.P. and to the Lake Superior Region in search of timber and minerals, the U.S. Government bought land from the Ojibwa through treaties, which are defined as the supreme law of the land in the Constitution of the United States.

In the 1842 Treaty, the tribes were allowed to remain on their ceded territory, and our leaders retained the right to hunt, fish and gather on these lands that were sold, but our rights were not sold, to ensure future generations' survival. We are determined to continue to preserve and protect our homeland and these rights for at least the next seven generations.

I would like to take a moment of your time to discuss a very serious threat to the lands, all the Great Lakes, natural resources, environment, and sacred places of the Lake Superior Bands of the Ojibwa and to the people of Michigan created by proposed sulfide mining operations in the Lake Superior Territory. Sulfide mining is a term for hard rock mining, and is much different than the traditional oxide rock mining that has historically been done in the upper peninsula. Sulfide mining is not the process used to mine the sulfides, but actually the practice of extracting metals, such as copper and nickel from a sulfide ore body.

Acid mine drainage has been described as the most important and widespread source of pollution associated with the mining industry throughout the world. Currently there are a number of mining exploration companies that are conducting mineral exploration operations in dozens of locations in the central and western upper peninsula, and includes uranium exploration. More mines are likely to be proposed and possibly permitted. Keweenaw Bay Indian Community has been very actively opposed to a proposed sulfide metallic mineral mine that will be located on our ceded traditional lands in Marquette County, Michigan. The Tribal Council frown at the proposed mining for nickel, copper, and other minerals at the headwaters of the Yellow Dog River and Salmon Trout River in the U.P., which flows to Lake Superior, deeply offends the traditional and cultural values of Keweenaw Bay Indian Community. The Salmon Trout River is a pristine river located in the wilderness of the Yellow Dog Plains and is one of the few homes to the coaster brook trout.

According to our teachings: to honor all of creation is to have respect. Water is a gift of life and is sacred. The current global state of water already is in grave danger. Many times in the past we have all turned our heads to the damage to the environment that has been caused by previous mining operations over the past 160 years.

Do you know why the Eagle cries on a mountain high? I would like to add my thoughts on the very fundamental concept of the Ojibwa people. Preservation of our land, our culture, and our way of life require that we act now as guardians for the next seven generations.

Sulfide mining will be the single greatest threat to our water and lands in our lifetime, along with all of the other challenges. I pray to our God and creator of all creation to give us vision and determination to

be responsible for all that we have been given before it is too late. Let us share the responsibility and privilege to care for our Earth and not make anymore environmental mistakes so that we will continue to keep our lands, Great Lakes, coasts and oceans the special places they are. Megwetch! Thank you for listening. We honor the greatness of all of you. Thank you.

MR. JOHNSON: Chairwoman Sutley, members of the Interagency Ocean Policy Task Force, thank you for the opportunity to present to you today regarding our shared efforts to protect and restore our water resources. My name is Peter Johnson. I'm the program director of the Council of Great Lakes Governors. The Council is a non-partisan partnership of the governors from the Great Lakes states of Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania and Wisconsin. The premiers of Ontario, Quebec serve as an associate to the Council.

The governors created the Council in 1983. And its mission is to encourage and facilitate environmentally responsible economic growth. More recently, the Council has been coordinating the Governors' shared efforts to protect and restore the Great Lakes. The Governors recognize that this effort is critically important for protecting our environment and promoting our economy, both regionally and nationally. As I think has been said already, and will be said, I'm sure, many more times this evening, the Great Lakes are a treasure of international significance. And as already noted, they differ significantly from our oceans, both hydrologically and in the way they are governed. The Great Lakes contain approximately 20 percent of the world's surface fresh water and 95 percent of North America's. One in 10 U.S. residents depends on the Great Lakes for their water. And more than 35 million U.S. residents live, work, and recreate in, on, or by the waters of the Great Lakes. Eight states and two Canadian provinces border the lakes. Innumerable Tribes and First Nations also have rights and interests related to the lakes. The Great Lakes Regional economy and, indeed, our national economy depend on the Great Lakes. For example, the Great Lakes provide water for 70 percent to the U.S. steel production. The Lakes provide transportation for almost 200 million tons of international and interlake cargo. Water is also used for hydro power on both sides of the international border.

Overall, the region generates nearly 30 percent of our nation's gross domestic product, and about 60 percent of all the U.S. manufacturing. Unfortunately, and despite significant and ongoing investments by all those of government, significant portions of the Great Lakes remain degraded, and all of our waters continue to face a number of different threats.

More broadly, all of our nation's water resources face threats, and many of them promise to increase over time. Therefore, we must work together, if we are to effectively tackle shared threats, and protect and restore our waters. Recent experiences is encouraging based on heightened collaboration both within the federal governments and with governments and other leaders. At the regional level, which Mr. Davis is very familiar with this particular effort, the developments and enactments of the Great Lakes/St. Lawrence River Basin Sustainable Water Resources Agreement, which was signed by the Great Lakes Governors and Premiers. And the corresponding Great Lakes/St. Lawrence River

Basin Water Resources Compact between the states serve as examples of how strong, collaborative efforts can result in agreements and programs that will ensure that water resources are available for the use and benefit of the region's citizens now and in the near future.

KEWEENAW BAY INDIAN COMMUNITY

2004 TRIBAL COUNCIL

WILLIAM E. EMERY, President
SUSAN J. LAFERNIER, Vice-President
LARRY J. DENOMIE III, Secretary
WARREN C. SWARTZ, JR., Asst. Secretary
JENNIFER MISEGAN, Treasurer

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Baraga, Michigan 49908
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DOREEN G. BLAKER
FRED DAKOTA
MICHAEL F. LAFERNIER, SR.
GARY F. LOONSFOOT, SR.
ELIZABETH D. MAYO
ANN MISEGAN
SHAWANUNG

Resolution **KB1296-2004**

WHEREAS, Lake Superior is the world's largest freshwater lake and is essential to the quality of life and economic vitality of the cities, villages, towns, and counties along its shores and in the surrounding watershed; and

WHEREAS, Water is life and the quality of water determines the quality of life; and

WHEREAS, Lake Superior supports tribal, cultural and spiritual, recreational, commercial, and tourism activities for its residents and visitors; and

WHEREAS, the responsibility for protecting and restoring the quality of Lake Superior's waters, land, and wildlife lies with all tribes, residents, municipalities, businesses, and visitors; and

WHEREAS, Tribal Officials, Mayors and other municipal leaders throughout the Lake Superior basin desire to protect the water and habitat quality that all life depends on in the basin.

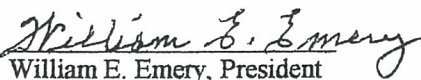
NOW THEREFORE BE IT RESOLVED THAT the Keweenaw Bay Indian Community supports the initiative to permanently establish the third Sunday in July as **Lake Superior Day**, in the Keweenaw Bay Indian Community, which is a day to acknowledge and celebrate the lake's importance in the quality of the lives of its members.

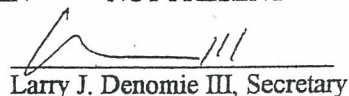
CERTIFICATION

Resolution KB-1296-2004

We, William E. Emery, President, and Larry J. Denomie III, Secretary of the Keweenaw Bay Indian Community, do hereby certify that this resolution No. KB-1296-2004 to be a true and exact copy as approved by the Tribal Council of the Keweenaw Bay Indian Community at a duly called meeting held on the 28th day of June, 2004, there being a quorum present, by a vote of 11 in favor, 0 opposed, and 0 abstentions, as follows:

Vice President Susan J. LaFemier:	<u>AYE</u>	NAY	ABSTAIN	NOT PRESENT
Secretary Larry J. Denomie III:	<u>AYE</u>	NAY	ABSTAIN	NOT PRESENT
Asst. Secretary Warren C. Swartz, Jr.:	<u>AYE</u>	NAY	ABSTAIN	NOT PRESENT
Treasurer Jennifer Misegan:	<u>AYE</u>	NAY	ABSTAIN	NOT PRESENT
Councilperson Doreen G. Blaker:	<u>AYE</u>	NAY	ABSTAIN	NOT PRESENT
Councilperson Fred Dakota:	<u>AYE</u>	NAY	ABSTAIN	NOT PRESENT
Councilperson Michael F. LaFemier, Sr.:	<u>AYE</u>	NAY	ABSTAIN	NOT PRESENT
Councilperson Gary Loonsfoot Sr.:	<u>AYE</u>	NAY	ABSTAIN	NOT PRESENT
Councilperson Elizabeth D. Mayo:	<u>AYE</u>	NAY	ABSTAIN	NOT PRESENT
Councilperson Ann Misegan:	<u>AYE</u>	NAY	ABSTAIN	NOT PRESENT
Councilperson Shawanung (Joseph A. Dowd)	<u>AYE</u>	NAY	ABSTAIN	NOT PRESENT
President William E. Emery (If Required):	AYE	NAY	ABSTAIN	NOT PRESENT


William E. Emery, President


Larry J. Denomie III, Secretary